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**Introduced by Senators Ackerman and Dunn**

January 19, 2006

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An act to amend Section 75521 of the Government Code, relating to judges' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 1187, as introduced, Ackerman. Judges' retirement.

Under existing law, if a judge under the Judges' Retirement System II leaves judicial office after 5 or more years service and is not eligible to retire, the judge shall receive the amount in his or her retirement account by lump-sum payment.

This bill would, under rules adopted by the Board of Administration of the Public Employees' Retirement System, permit a judge to elect to receive the amount in his or her retirement account as an annuity.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 75521 of the Government Code is  
2 amended to read:  
3 75521. (a) A judge who leaves judicial office before accruing  
4 at least five years of service shall be paid the amount of his or her  
5 contributions to the system, and no other amount.  
6 (b) A judge who leaves judicial office after accruing five or  
7 more years of service and who is not eligible to elect to retire  
8 under Section 75522 shall be paid the amount of his or her  
9 monetary credits determined pursuant to Section 75520,  
10 including the credits added under subdivision (b) of that section  
11 computed to the last day of the month preceding the date of

1 distribution, ~~and no other amount~~ *unless under rules adopted by*  
2 *the board, the judge elects to be paid an annuity of actuarially*  
3 *equivalent value for the judge's life or by one of the optional*  
4 *forms provided for in Section 75571.*

5 (c) Judges who leave office as described in subdivision (b) are  
6 “retired judges” for purposes of a concurrent retirement with  
7 respect to the benefits provided under Section 20639 and  
8 assignment pursuant to Article 2 (commencing with Section  
9 66540) of Chapter 2 and are eligible for benefits provided under  
10 Section 22814.

11 (d) After a judge has withdrawn his or her accumulated  
12 contributions or the amount of his or her monetary credits upon  
13 leaving judicial office, the service shall not count in the event he  
14 or she later becomes a judge again, until he or she pays into the  
15 Judges’ Retirement System II Fund the amount withdrawn, plus  
16 interest thereon at the rate of interest then being required to be  
17 paid by members of the Public Employees’ Retirement System  
18 under Section 20750 from the date of withdrawal to the date of  
19 payment.